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TECHNOLOGY CENTER R3700

REMARKS

In response to the Final Office Action mailed November 5, 2002, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, claim 1 is proposed to be amended, no claims are proposed to be added or cancelled, so that claims 1-5 remain pending. No new matter has been introduced.

Claims 1-5 were rejected as being unpatentable over U.S. Patent Number 6,231,598 to Berry et al. (Berry) in view of U.S. Patent Number 6,355,057 to DeMarais et al. (DeMarais). This rejection is respectfully traversed.

The MPEP, in section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d,488,20

USPQ2d 1438 (Fed.Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

The present invention, as claimed in amended independent claim 1, is directed to a stent. The stent comprises a plurality of hoops having a plurality of interconnected struts, a plurality of sinusoidal rings connecting adjacent hoops to one another, and proximal and distal attachment devices for securing a graft member to the stent. The stent has proximal and distal end hoops that are configured to have greater radial and longitudinal strength than the hoops therebetween. The sinusoidal rings being formed from a plurality of alternating struts, wherein a junction of the alternating struts of the sinusoidal rings and a junction of interconnected struts of the plurality of hoops are a common junction.

Berry discloses a radially expandable stent. The stent may be balloon expandable or self-expanding. The self-expanding stent may be formed from nickel-titanium alloys. In one embodiment, adjacent longitudinal segments are joined by flexible interconnection segments that permit the stent to bend laterally. The flexible interconnection segment is comprised of curvilinear struts that form a series of serpentine bends that distribute lateral bending forces. The flexible interconnection segments interconnect adjacent longitudinal segments via at least one short interconnection strut.

DeMarais discloses a stent-graft. The stent-graft comprises a tubular structure having a proximal end and a distal end. The stent-graft includes a liner supported by a frame. The frame

comprising a series of independent ring frames affixed to the liner. The liner is secured to the frame by a variety of alternative liner/frame attachment mechanisms, including adhesive bonding, heat welding, ultrasonic welding, sutures and braiding or weaving the frame elements into the liner.

Applicants respectfully submit that the cited prior art references, whether taken alone or in combination, fail to disclose or suggest all of the claim limitations. Berry discloses at column 8, line 67 to column 9, line 3 that "the second segment type is a flexible interconnection segment 21 that interconnects adjacent longitudinal segments via at least one short interconnection strut, member, or tab 36." The tab or strut is evident from a review of Figures 5-9. Berry does not disclose sinusoidal rings being formed from a plurality of alternating struts wherein a junction of the alternating struts of the rings and a junction of the interconnected struts of the plurality of hoops are a common junction. DeMarais also fails to disclose such a junction configuration. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants would be willing to interview the present case if the Examiner so desires.

The Amendment/Reply raises no new issues and places the application in form for allowance. Therefore, entry is proper and earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "Version With Markings To Show Changes Made."

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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IN THE CLAIMS

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Please amend the claims as follows:

1. (Twice Amended) A hollow substantially cylindrical radially expandable stent having proximal and distal open ends and a longitudinal axis extending therebetween, said stent for deployment within a human body vessel, said stent comprising:

a. a plurality of hoops comprising a plurality of interconnected struts, said stent having a proximal end hoop and a distal end hoop, wherein said distal end hoop and said proximal end hoop are configured to have greater radial and longitudinal strength than the hoops therebetween;

b. a plurality of sinusoidal rings connecting adjacent hoops to one another, said sinusoidal rings being formed from a plurality of alternating struts, a junction of the alternating struts of said sinusoidal rings and a junction of interconnected struts of said plurality of hoops being a common junction; and

c. proximal and distal attachment devices for securing a graft member to the substantially cylindrical radially expandable stent.